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COPY MAILED**MAR - 5 2002****OFFICE OF PETITIONS**

In re Application of
William W. Chen, Gary T. Jones,
Jay B. Ballard and E.J. Homier
Application No. 09/885,206
Filed: June 20, 2001
Title: POSITIVE TEMPERATURE
COEFFICIENT RESISTIVITY PROTECTED
POWER TRANSFORMER

DECISION ACCORDING
STATUS UNDER §1.47

This is a decision on "Petition by Inventor Signing on Behalf of Other Named Inventor who Refused to Sign under 37 CFR §1.47(a)," filed February 26, 2002.

The above-identified application was filed on June 20, 2001, without an executed oath or declaration and naming William Chen, Gary Jones, Jay Ballard and E.J. Hormier as joint inventors. Accordingly, on August 16, 2001, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and surcharge for its late filing. This Notice set a period for reply of two months from the mailing date of the notice.

An initial petition under §1.47 filed December 26, 2001 (certificate of mailing October 16, 2001), was not accepted because it was signed by only one inventor (Letter mailed February 5, 2002). Applicants timely responded with the instant petition, executed by the three signing inventors (Jones, Ballard and Hormier) to make application on behalf of the fourth nonsigning inventor (Chen). Applicants assert that status under §1.47 is proper because inventor Chen refuses to join in the application.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By affidavit of attorney Golden, applicants have shown that inventor Chen has been presented with the application papers, and by his conduct, has refused to join in the application.

The declaration filed December 26, 2001, and the petition filed February 26, 2002, have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.



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for Patent Examination Policy